

CHAPTER 89
REGULATION OF GRADE “A” MILK
H.F. 658

AN ACT providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 192.109, Code 2011, is amended to read as follows:

192.109 Certification of grade “A” label.

The ~~Iowa~~ department of ~~public health~~ agriculture and land stewardship shall annually survey and certify all milk labeled grade “A” pasteurized and grade “A” raw milk for pasteurization, and, in the event a survey shows the requirements for production, processing, and distribution for such grade are not being complied with, the fact thereof shall be certified by the ~~Iowa~~ department of ~~public health~~ to the secretary of agriculture who shall proceed with the provisions of section 192.107 for suspending the permit of the violator or who, if the secretary did not issue such permit, shall withdraw the grade “A” declared on the label.

Sec. 2. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the department of public health as required to administer and enforce the provisions of section 192.109 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of agriculture and land stewardship.

2. An administrative hearing or court proceeding arising out of an enforcement action under section 192.109 pending on the effective date of this Act shall not be affected due to this Act. Any cause of action or statute of limitation relating to an action taken by the department of public health shall not be affected as a result of this Act and such cause or statute of limitation shall apply to the department of agriculture and land stewardship.

3. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

4. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made necessary due to the effect of this Act shall be done as part of the normal replacement cycle for such items.

Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP — CERTIFICATION OF MILK. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade “A” milk and certifying the results to the secretary of agriculture, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	189,196
.....	FTEs	2.00

Approved April 26, 2011